

Multi-level Memorandums of Understanding (MOU)

AASHTO Conference
Right-of-Way, Utilities, Design
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ROWU Scan

FHWA/AASHTO International Right-of-Way & Utilities (ROWU) Scanning Team Visits Australia and Canada in September 2008



ROWU Scan - Purpose

To learn about innovative practices that might be implemented in the United States



ROWU Scan – Finding

Two Australian states
(Queensland & New South
Wales) have developed MOUs
with major utility companies



ROWU Scan

Basic Australian MOU structure:

- A high-level MOU
- Several mid-level MOUs
- Project-level Agreements



High-Level MOU

- Developed by upper management personnel
- Sets forth general principles and the intent of both parties to work cooperatively



Mid-Level MOU

- Developed by middle-management personnel
- Defines roles and responsibilities, standards, specifications, and general procedures for the resolution of high priority conflicts



Project-Level Agreements

- Developed to detail contract-specific provisions that higher-level MOUs do not address
- Similar to U.S. relocation agreements



MOU Study

- To compare U.S. partnering agreements to Australian MOUs
- Work began May 2009; ended August 2009



MOU Survey

- An electronic survey was sent to State Utilities Managers in 50 States, PR, DC
- The survey asked about their partnering agreements



Survey Responses



- 48 DOTs responses to the survey
- 10 DOTs interested in being pilot states to try Australian-type MOUs

Arkansas

California

Illinois

Missouri

New Hampshire

North Carolina

Ohio

South Carolina

Tennessee

Utah

Findings



Australian and American partnering agreements are similar in their primary purpose (i.e., improving working conditions with utility companies)

Findings



- Maine DOT has MOU
- Ohio, California, and Texas DOTs are currently developing MOUs
- Other DOTs have master agreements, standard reimbursement agreements, or other project-specific partnering documents

Findings



Australian and American partnering agreements are different in levels of development (Australian MOUs were developed at a high organizational level; U.S. partnering agreements generally were developed at lower organizational levels)

Findings



Australian and American partnering agreements' reimbursement requirements differ (Australian utility companies are reimbursed 100% for relocations; U.S. utility companies with a few exceptions are only reimbursed if they have prior property rights)

Findings



Australian and American partnering agreements differ in terms of access to utilities (some Australian utility companies have unlimited access to the right-of way; DOTs in the U.S. have total control of the highway right-of-way)

Findings



Australian and American partnering agreements differ in stated conditions for noncompliance --
Australians have a "shared risk" process; U.S. partnering agreements are generally “non-binding”

Next Steps

- Find Pilot States
- Provide Technical Assistance
- Evaluate MOUs



QUESTIONS

